

Jefferson County Public Hospital District No.2
Board of Commissioners, Regular Session Minutes
Wednesday, March 28, 2018
Victor J. Dirksen Conference Room

Call to Order:

The meeting was called to order at 2:00pm by Board Chair, Buhler. Present were Commissioners Dressler, McComas, Kolff, and Ready. Caitlin Harrison, Chief Human Resources Officer, Brandie Manuel, Chief Patient Care officer, Jon French, Chief Legal Officer and Alyssa Rodrigues, Administrative Assistant were also in attendance. This meeting was officially audio recorded by Jefferson Healthcare.

Education:

- Open Public Meetings and Publics Records Now and Into the Future, Charles (Skip) H. Houser III, J.D., M.P.A., Attorney at Law, Pope, Houser, & Barnes PLLC

Charles (Skip) Houser III presented on the Open Public Meetings and Public Records Now and Into the Future, Open Public Meetings Act and Open Public Records Act.

Discussion ensued.

Break:

Commissioners recessed for break at 3:24pm.

Commissioners reconvened from break at 3:31pm.

Patient Story:

Brandie Manuel, Chief Patient Care Officer, deferred the patient story to Commissioner Kolff who read aloud a letter he was sent from a mother of a child who is part of the Ratfish mountain bike team. Mother wrote a letter in regards to the great care that her son receive from Patricia Hoyecki, ARNP, and team at Jefferson Healthcare Wound Care Clinic, after her son had been in a mountain biking accident. The letter explained that Patricia Hoyecki, ARNP, and team were very involved, easily accessible, and the explanation of care they received was great. Ultimately, the mother was very pleased with the clinic and her and her son's experience.

Approve Agenda:

Commission Dressler made a motion to approve the agenda. Commissioner McComas seconded.

Action: Motion passed unanimously.

Minutes:

- February 28 Regular Session

Commissioner Dressler made a motion to approve the February 28 Regular Session. Commissioner Kolff seconded.

Action: Motion passed unanimously.

Required Approvals: Action Requested

- February Warrants and Adjustments
- Resolution 2018-04 Cancel Warrants
- Medical Staff Credentials/Appointments/Reappointments
- Medical Staff Policy

Commissioner Dressler made a motion to approve Medical Staff Credentials/Appointments/ Reappointments, Medical Staff Policy, February Warrants and Adjustments, and Resolution 2018-04 Cancel Warrants. Commissioner Dressler seconded.

Action: Motion passed unanimously.

Public Comment:

Public comment was made.

Financial Report:

Hilary Whittington, gave the February financial report.

Discussion ensued.

Quality Report:

Brandie Manuel, Chief Patient Care Officer presented the quality report.

Discussion ensued.

Administrative Report

Mike Glenn, CEO gave his administrative report.

Discussion ensued.

Chief Medical Officer Report:

Dr. Joe Mattern, Chief Medical Officer gave an update on the ACO, provider comings and goings, telemedicine and tele pulmonology, provider engagement event, behavioral health integration, medically assisted treatment, and high dose flu shot.

Discussion ensued.

Board Reports:

Commissioner Kolff inquired about carpooling to the Port Ludlow event.

Commissioner Buhler distributed the February 15 Board of Health minutes.

Meeting Evaluation

Commissioners evaluated the meeting.

Conclude:

Commissioner Dressler made a motion to conclude the meeting. Commissioner McComas seconded the motion.

Action: Motion passed unanimously.

Meeting concluded at 5:10pm.

Approved by the Commission:

Chair of Commission: Jill Buhler _____

Secretary of Commission: Marie Dressler _____

**Open Public Meetings and Public
Records Now and Into the Future**

March 28, 2018
Port Townsend, Washington

Charles (Skip) Houser III, J.D., M.P.A.
Attorney at Law

1

Basic Principles

- Open government is essential to democracy
- Transparency in government actions
- Provide notice and opportunity to participate



2

Jefferson Healthcare Open Public Meetings Act

Legislative Declaration (Intent) RCW 42.30.020

- “The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices and all other public agencies of the state and subdivisions thereof exist to aid in the conduct of the people’s business.
- It is the intent of this chapter that their actions be taken openly and their deliberations be conducted openly.”



3

Jefferson Healthcare Open Public Meetings Act

Legislative Declaration (Intent)

- “The people of the state do not yield their sovereignty to the agencies which serve them.
- The people in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.
- The people insist on remaining informed so that they may retain control over the instruments they have created.”



4

Public Records Act

The Public Records Act (PRA) requires that all public records maintained by state and local agencies be made available to all members of the public, with very narrow statutory exemptions.



5

Overview of RCW 42.56

RCW 42.56 provides the statutory framework for disclosure of public records.

Additionally, the Washington State Attorney General's Model Rules on Public Disclosure (Washington Administrative Code (WAC) 44-14) provide practical, non-binding, advisory guidance on many issues that may not be clear in the Public Records Act (PRA) itself.

6

What Records are Public?

A public record is defined in RCW 42.56.010(3) as any writing that is prepared, owned, used, or retained by any state or local government agency, and which contains information that relates to the conduct of government, or the performance of any governmental or proprietary function.



7

The Future of OPMA and PRA

- Executive Sessions
- Facebook and Social Media
- Text Messages
- Application of Public Records Act and Implications for the Legislature



8

Jefferson Healthcare Executive Sessions

- *Columbia Riverkeeper v. Port of Vancouver USA*
- Executive sessions narrowly construed by Washington State Supreme Court
- Open Public Meetings Act Violations



9

Jefferson Healthcare Text Messages

- *Nissen v. Pierce County*
- Disclosure of Records within "Scope of Employment"



10

- Governor Inslee vetoes Senate Bill 6617
- Pending Lawsuit
- Task force forthcoming



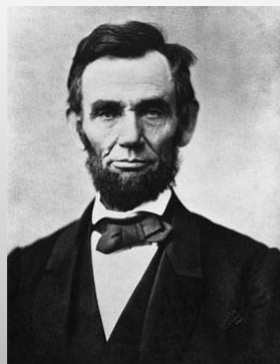
11

- *West v. City of Puyallup*
- *West v. Vermillion*
- *Nissen v. Pierce County*
- Facebook post personal versus public officials scope of “official capacity”



12

Caution



“Don’t believe everything you read on the Internet just because there’s a picture with a quote next to it.”

—Abraham Lincoln

13

Questions and Answers Going Forward



14

Open Public Meetings Act RCW 42.30



Prepared by Washington State Attorney General's Office
Last revised: July 2017



Washington's Open Public Meetings Act (OPMA)

- Passed in 1971
- Requires meetings to be open to the public, gavel to gavel
- RCW 42.30



[16]

Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.30.010



[17]

Purpose (Cont.)

- Public commissions, boards, councils, etc. listed in OPMA are agencies of this state that exist to aid in the conduct of the people's business.
- Their actions are to be taken openly and deliberations conducted openly.

~ RCW 42.30.010



- Act is to be “liberally construed.”
- ~ RCW 42.30.910

- The purpose of the OPMA is to allow the public to view the “decisionmaking process.”

~ Washington State Supreme Court



[18]

Open Government Laws Like the OPMA are Often Called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government.
U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



[19]

Transparency builds public confidence in government.

OPMA Applies To:

Multi-member public state and local agencies, such as boards and commissions, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

~ RCW 42.30.020

These are the “public agencies” subject to the OPMA.



[20]

OPMA Does Not Apply To:



- These entities:
 - ☐ Courts
 - ☐ Legislature
 - ☐ Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual
 - ☐ Private organizations
- These activities:
 - ☐ Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)
 - ☐ Quasi-judicial matters
 - ☐ Matters governed by the Washington Administrative Procedure Act, RCW 34.05
 - ☐ Collective bargaining

~ RCW 42.30.020(1), RCW 42.30.140

[21]

Governing Body

- All meetings of the **governing body** of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

~ RCW 42.30.030



[22]

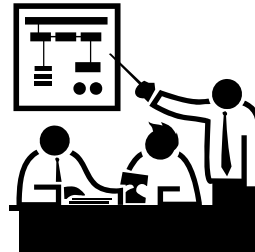
What is a Governing Body?

- The **multimember board or other policy or rule-making body**

OR

- Any **committee** of such public agency *when*:
 - the committee acts on behalf of the governing body,
 - conducts hearings, or
 - takes testimony or public comment

~ RCW 42.30.020



[23]

What is a Meeting?

- **“Meeting”** means meetings at which the public agency takes **“action”** ~ RCW 42.30.020
- **“Action”** means the **transaction of the official business of the public agency** and includes but is not limited to:
 - Public testimony
 - All deliberations
 - Discussions
 - Considerations
 - Reviews
 - Evaluations
 - Final actions



The requirements of the OPMA are triggered whether or not “final” action is taken. See upcoming slide on “final action.”

- A “meeting” of a governing body occurs when a **majority of its members (quorum)** gathers with the collective intent of transacting the governing body’s business.

~ Citizens Alliance for Property Rights Legal Fund v. San Juan County

[24]

“Meeting” (Cont.)



- Physical presence not required – a meeting can occur by phone or email. 📞 📧
- An exchange of e-mail could constitute a meeting if, for example, a quorum of the members participate in the e-mail exchange & discuss agency business. Simply receiving information without comment is not a meeting.
~ *Wood v. Battle Ground School District; Citizens Alliance for Property Rights Legal Fund v. San Juan County*
- Does not need to be titled “meeting” – OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.
- No meeting occurs if the governing body lacks a quorum.

[25]

Final Action

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

~ RCW 42.30.060, RCW 42.30.020



[26]

Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ RCW 42.30.070



[27]

“Regular” Meetings



- “**Regular meetings**” are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- A state public agency must:
 - Yearly, file with Code Reviser a schedule of regular meetings, including time and place
 - Publish changes to regular meeting schedule in state register at least 20 days prior to rescheduled date

~ RCW 42.30.070; RCW 42.30.075; RCW 42.30.077

[28]

“Regular” Meetings (Cont.)

- Agenda notice requirements apply to regular meetings.
- RCW 42.30.077 requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.



- This law does not:
 - Apply to agencies that do not have websites.
 - Apply to agencies that employ fewer than 10 full-time employees.
 - Restrict agencies from later modifying an agenda.
 - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
 - Satisfy public notice requirements established under other laws.
 - Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with this law.

[29]

“Special” Meetings



- A **“special meeting”** is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members
- Notice - timing: 24 hours before the special meeting, written notice must be:
 - Given to each **member** of the governing body (unless waived)
 - Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file
 - Posted on the **agency's website** [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website]]
 - Prominently **displayed at the main entrance** of the agency's principal location and the meeting site (if not that same location)

~ RCW 42.30.080

[30]

“Special” Meetings (Cont.)

- Notice - contents: The special meeting notice must specify:
 - Time
 - Place
 - Business to be transacted (agenda)
 - Final disposition shall not be taken on any other matter at such meeting

~ RCW 42.30.080



[31]

Emergency Special Meetings

- Notice is not required when special meeting called to deal with an emergency
 - Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
 - Where time requirements of notice make notice impractical and increase likelihood of such injury or damage

~ RCW 42.30.080(4)



[32]

Public Attendance

- A public agency can't place conditions on public to **attend** meeting subject to OPMA:
 - For proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance

~ RCW 42.30.040



- Reasonable rules of conduct can be set
- Cameras and tape recorders are permitted unless disruptive
 - ~ AGO 1998 No. 15
- No "public comment" period required by OPMA

[33]

Interruptions and Disruptions

- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

~ RCW 42.30.050

DISRUPTION

[34]

Executive Session

- Part of a regular or special meeting that is closed to the public
- Limited to specific purposes set out in the OPMA
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins; time may be extended by further announcement

~ RCW 42.30.110



[35]

Executive Sessions

Specified purposes set out in OPMA.
Includes, for example:



- | | |
|--|---|
| <ul style="list-style-type: none"> • National security • Real estate <ul style="list-style-type: none"> • Site selection or acquisition of real estate <ul style="list-style-type: none"> • Lease or purchase • Public knowledge would likely increase price • Sale or lease <ul style="list-style-type: none"> • Public knowledge would likely decrease price • Final action selling or leasing public property must be take at open meeting | <ul style="list-style-type: none"> • Publicly bid contracts <ul style="list-style-type: none"> • Review negotiations on performance • Public knowledge would like increase costs • Evaluate qualifications of applicant for public employment • Meet with legal counsel regarding enforcement actions, litigation or potential litigation • Other purposes listed in RCW 42.30.110 |
|--|---|

~ RCW 42.30.110

[36]

Executive Session to Discuss Agency Enforcement Actions, Litigation or Potential Litigation

- This executive session is not permitted just because legal counsel is present
- This executive session must address:
 - Agency enforcement action
 - Agency litigation or
 - Potential litigation

~ RCW 42.30.110



[37]

Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation: Three Requirements

- Legal counsel representing the agency is present
- Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party
- Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency

~ RCW 42.30.110

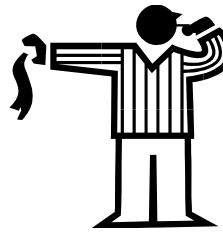


[38]

Penalties for Violating the OPMA

- A court can impose a \$500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and \$1000 for a subsequent knowing violation.
- Court will award costs and attorney fees to a successful party seeking the remedy
- Action taken at meeting can be declared null and void

~ RCW 42.30.120; RCW 42.30.130; RCW 42.30.060



[39]

Minutes – RCW 42.30.____*

- Minutes of public meetings must be promptly recorded and open to public inspection
- Minutes of an executive session are not required
- No format specified in law

* Formerly at RCW 42.32.030; To be recodified in 2017 in a new section in RCW 42.30 (OPMA) per Chap. 25, Laws of 2017, 3rd Sp. Sess.



[40]

Risk Management Tips

- Establish a culture of compliance with the OPMA.
- Receive training on the OPMA.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
 - *Remember: the OPMA can change through amendments, or develop through case law.*
 - *Remember: other laws can govern an agency's meeting procedures.*
- Consult with agency's legal counsel.



[41]

OPMA Training

- The "Open Government Trainings Act" requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.



- Training resources, videos, and more information about the Act (a "Q & A") are available on the Attorney General's Office Open Government Training Web Page:

<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

[42]

OPMA Assistance

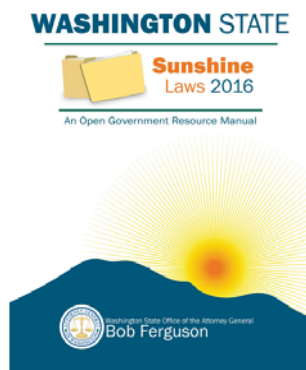
- The Washington State Attorney General's Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General's Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General's Office has helpful materials about the OPMA and on other open government topics and resources, on its website at <http://www.atg.wa.gov/Open-Government>.
 - One example is the *Open Government Resource Manual* (see next slide).

~ RCW 42.30.210



[43]

AGO Open Government Resource Manual — Available on AGO Website*



* <http://www.atg.wa.gov/open-government-resource-manual>

**Does not yet include statutory changes resulting from 2017 sessions.

[44]

Municipal Research & Services Center – Another Resource

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

PRACTICE TIPS

For Local Government Success

The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance.* For more information and resources visit www.mesa.org/opaopen

Basic Requirements

- All meetings open and public: all meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the Open Access Act, R.S. 43:21-22.
- Quorum. Generally, a meeting occurs as a quorum (majority) of the governing body is in attendance and action is taken, which includes discussion or deliberation as well as voting. R.S. 43:20(2)(2) & (3).
- Attendees. As persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disruptive persons.
- No secret ballots. Votes may not be taken by secret ballot.
- Adoption of ordinances, resolutions, resolutions, rules, regulations.

Position in Agency

- Member of a governing body
- ☐ City or Town Councilmember or Mayor
 - ☐ County Commissioner or County Councilmember
 - ☐ Special Purpose District Commissioner/Board Member
- Member of a subagency created by ordinance or legislative act
- ☐ Planning Commission
 - ☐ Library Board

Member of a subagency created by ordinance or legislative act

- ☐ Planning Commission
- ☐ Library Board
- ☐ Parks Board
- ☐ Civil Service Commission

Member of a committee
(i) *Committee that act on behalf of the governing body*

- Agency staff**

* Actions null and void. Any action taken at a meeting which is in violation of the bylaws is null and void.

- **Personal liability.** Potential personal liability of \$100 for an individual who violates the OPMA, RCW 42.30.120(1).
- **Agency liability.** Any person who prevails against an agency

CPAIA Training Requirements, Effective July 1, 2014

- Every member of a governing body of a public agency must assume office or take the oath of office.
- In addition, every member of a governing body must complete a financial disclosure statement.

¹COCLAM(S). These practice tips are meant to provide summary information.

OPMA – NOTICE REQUIREMENTS

PRACTICE TIPS

Under the Open Public Meetings Act (OPMA), to ensure that agency deliberations and other actions are conducted and taken openly, agencies are required to provide sufficient public notice of their meetings. Use these practice tips

[illegible]

FOIA 4001(b). These practice tips are meant to provide summary information on the notice requirements of the (FOIA), these tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

OPMA – EXECUTIVE SESSIONS

CHECKLIST

CHECKLIST
For Local Government Success

The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions.* For more information and resources visit

[illegible]

45

THANK YOU

46

Public Records Act Training



August 2017

Prepared by Washington State Attorney General's Office



Open Government Laws Like the Public Records Act are Often Called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



*Let Us
Begin!*

[48]

Transparency builds public confidence in government.

Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.56.030 (PRA)

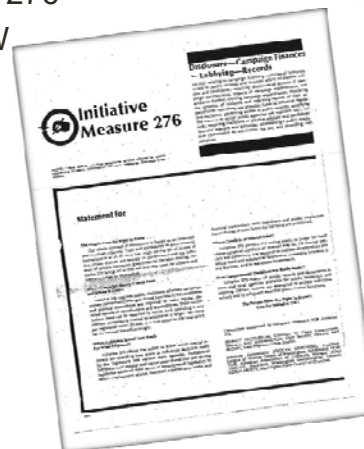


[49]

Washington's Open Public Records Act (PRA)

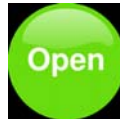
- Passed in 1972 – Initiative 276
- RCW 42.56 (formerly RCW 42.17)

Most recent amendments –
ESHB 1594
(Chap. 303, 2017 Laws);
ESHB 1595 (Chap. 304,
2017 Laws)



[50]

Touchstone:



- Public records of government agencies are presumed open.
- Records or information in records can be withheld only by law (e.g. exemption in law). Exemptions must be “narrowly construed.”

~ RCW 42.56.030



[51]

PRA Applies to Records of:

- State government agencies*
- Local government agencies*
- Limited extent to Legislature



~ RCW 42.56.010

* And to agencies that are the functional equivalent of public agencies.

PRA Does Not Apply to:

- Court records (court files)
- Records of certain volunteers (next slide)
- Private organizations or persons*



* Unless, for example, the records are used or retained by a government agency.

[52]

Volunteers



- ESHB 1594 (2017): records of **certain volunteers** are exempt from the definition of “public record.” They are:
 - Records not otherwise required to be retained
 - and are held by volunteers who
 - (a) do not serve in an administrative capacity,
 - (b) have not been appointed by the agency to an agency board, commission or internship, and
 - (c) do not have a supervisory role or delegated agency authority.
- Change effective July 23, 2017.



[53]

Public Record

“**Public record**” means:

- **any writing**
- **containing information**
- **relating to**
- **the conduct of government or**
- **the performance of any governmental or proprietary function**
- **prepared, owned, used, or retained**
- **by any state or local agency**
- **regardless of physical form or characteristics.”**

~ RCW 42.56.030



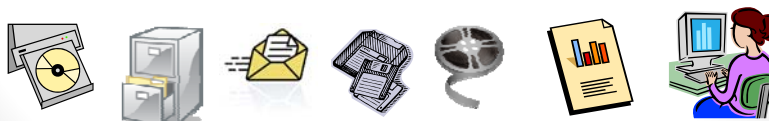
[54]

Writing

- “**Writing**” includes “handwriting, typewriting, printing, photostating, photographing, and **every other means of recording any form of communication** or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.”

~ RCW 42.56.030

- So, “public record” is broadly defined.



{ 55 }

Note: Public Records Include...

...records of agency business when they are created or retained by agency employees or officials on **home computers or devices, or in non-agency email accounts or files.**



{ 56 }

Text Messages (“Scope of Employment”)

- *Nissen v. Pierce County* (Aug. 2015)

- **Text messages sent and received by a public employee in the employee’s official capacity are public records of the employer, regardless** of the public or private nature of the device used to create them; thus, even if the employee uses a private cell phone.
- A record that an agency employee prepares, owns, uses, or retains **within the scope of employment** is a record “prepared, owned, used or retained by a state or local agency” under the PRA.
 - An employee’s communication is “within the scope of employment” *when the job requires it, the employer directs it, or it furthers the employer’s interests.*
 - This inquiry is always case- and record-specific.



[57]

Call and Text Logs (“Use”)

- *Nissen v. Pierce County*

- For a record to be **“used”** by an agency it must bear a nexus with the agency’s decision-making process.
- A record held by a third party, without more, is not a “public record”, unless the agency “uses” it. In this case, that applied to **call and text logs** at the phone service provider which **were not used by the agency** (“the county did nothing with them”).

Call Log (104)

These details are cross-referenced from this device's contacts

Incoming (23)

#	Country code	Number	Party	Time
1	310	410	Pedro*	7/29/2012 7:30:13 AM(UTC+0)
2	310	410	Pedro*	7/30/2012 1:36:51 AM(UTC+0)
3	310	410	Dad*	7/30/2012 2:34:08 AM(UTC+0)
4	310	410	Dad*	7/30/2012 5:38:54 PM(UTC+0)
5	310	410	Cesar*	7/30/2012 5:44:59 PM(UTC+0)
6	310	410	Brito*	7/30/2012 5:49:11 PM(UTC+0)

[58]

Other Locations of Public Records

- In/On Personal Computers, Personal Email Accounts, etc.
& Post- *Nissen*: *West v. Vermillion, Puyallup* (Nov. 8, 2016)

- PRA request for public records in a **local elected official's personal residence, on a personal computer, and in a personal email account.**
- *Court of Appeals*: Public records must be disclosed. The constitutions do not provide an individual a privacy interest in those public records. State Supreme Court denied review.
- See upcoming slide on "privacy."



[59]

General PRA Procedures

Under PRA, agencies must:

- Appoint a **public records officer**.
- Publish **procedures** describing certain agency organization, operations, rules of procedure, and other items listed in PRA that:
 - Provide full public access to public records,
 - Protect public records from damage/disorganization
 - Prevent excessive interference with other agency functions.
 - Provide **fullest assistance** to requesters
 - Provide most timely possible action on requests.
- Publish **fee schedule**. See upcoming slide.
- Maintain a **list of laws** the agency believes exempts or prohibits disclosure.
- Provide certain **indexes** of records.
- Make non-exempt records **available for inspection and copying during customary business hours** for a minimum of 30 hours per week, excluding holidays.
 - ❖ Post customary business hours on the agency's website and make hours known by other public means.



~ RCW 42.56.040, RCW 42.56.070 - .08, RCW 42.56.580, RCW 42.56.580.

[60]

New PRA Procedures

(ESHB 1594 and EHB 1595 – Eff. July 23, 2017)



- **Format for requests.** No official format is required. Agencies can recommend requesters use their form or web page. Must accept in person requests made during normal office hours.
- **Log.** Agency must keep a log of PRA requests (identity of requester if provided, date of receipt, text of request, description of records produced, description of records redacted/withheld and reasons, and date of final disposition.) RCW 40.14 (records retention).
- **Ordinances.** Local agencies should consult AGO Model Rules in developing PRA ordinances.



[61]

New PRA Procedures (cont.)

(ESHB 1594 and EHB 1595 – Eff. July 23, 2017)



- **Additional training.** Records officers must also receive training on electronic records.
- **Data collection & reporting.** Agencies having PRA staff and legal costs of more than \$100,000/year must report 17 data points about their agencies' PRA requests to the Joint Legislative Audit and Review Committee (JLARC). RCW 40.14.
- **Copy fees.** New procedures for fees/authorized copy fees for electronic records.



[62]

Fees



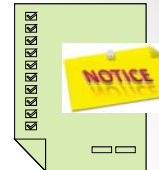
EHB 1595 (effective July 23, 2017):

- **Copy fee schedule:**
 - ❖ Agencies can charge **actual costs** (following certain procedures & **notice/public hearing**) or
 - ❖ **Default statutory costs** (following a declaration of undue burden in **rule**; list of costs in statute).
 - ❖ **Alternative flat fee up to \$2** for entire request (see details in statute)
- EHB 1595's **default schedule** includes paper copies, scanned copies, electronic records costs.
- No fee for records routinely posted on **agency website**.
- Must provide an **estimate of costs to requester** upon request.
- Act provides for **other fee arrangements** in defined circumstances.
- "Customized access charge" under defined circumstances.
- No fees for inspection.
- Court action can be brought to challenge agency's estimate of fees.

~ RCW 42.56.120, RCW 42.56.130; RCW 42.56.550

[63]

Requests for Public Records



- Persons can request **identifiable public records** from public agencies.
 - Requester can use agency public records request form. *(Form not required effective July 23, 2017)*
 - If agency request form not used, requester must provide "**fair notice**" that he/she is seeking public records.
 - A request for "information" is not a request for "records" under the PRA.
 - At minimum, requester must **identify documents with sufficient clarity to allow the agency to locate them**.
 - Requesters can ask to **inspect** records, or request **copies** of records. Requests can be made via mail, e-mail, in person.
- Agencies can adopt procedures explaining where requests must be submitted and other procedures.

~ RCW 42.56.520; RCW 42.56.080, RCW 42.56.040, RCW 42.56.100;
Hangartner v. City of Seattle; Bonamy v. City of Seattle; Hobbs v. State.

[64]

Requests (Cont.)



- “**Identifiable**” records (cont.)
- EHB 1595 (effective July 23, 2017):
- “A public records request must be for **identifiable records.**”
 - “A request for all or substantially all records, prepared, owned, used or retained by an agency is not a valid request for identifiable records under this chapter,
 - “Provided that a request for all records regarding a particular topic or containing a particular keyword or name shall **not** be considered a request for all of an agency’s records.”



[65]

Requests (Cont.)



- Requesters do not:
 - Generally need to identify **purpose** of request, unless required by law (e.g., restriction on providing lists of individuals for a commercial purpose).
 - Need to limit the **number** of requests they make.
 - Need to **exhaust** an agency’s internal appeal procedures prior to seeking judicial review when a record is denied and two business days have passed. (Agencies are to have review mechanisms but review deemed completed after 2 business days following the denial of inspection.)

~ RCW 42.56.070, RCW 42.56.520, *Zink v. City of Mesa*

[66]

Requests (Cont.)



- EHB 1595 (eff. July 23, 2017): An agency may deny a **“bot” request**, under the criteria in the bill.
 - A “bot” request is one of multiple requests from a requestor to the agency within a 24 hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential function of the agency.
 - “Bot” request means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.



[67]

Requests (Cont.)

- **Requesters must:**
 - **Clarify** a request when an agency asks for clarification.
 - **Claim or review records** when the records or an installment of records is ready.
 - Comply with **agency procedures** including those that protect records from damage/disorganization (such as when viewing records).
 - Provide a **deposit** when an agency requires a deposit.
 - **Pay** for copies per fee schedule, including copies for an installment.
- **Requesters should also:**
 - Promptly **communicate** with agency,
 - including to **voice any concerns** regarding agency action or inaction.



~ RCW 42.56.070(7) – (9), RCW 42.56.080, RCW 42.56.100, RCW 42.56.120, RCW 42.56.520, Model Rules, Zink v. City of Mesa, Hobbs v. State Auditor

[68]

Agency Responses to Requests

- The agency has **five business days** to respond to a public records request.



- Agency response can:

- Acknowledge receipt of the request and provide a reasonable estimate for a further response;** or
- Fulfill the request;** or
- Provide an internet address and link** to the records on the agency's website (which fulfills part or all of the request); or
- Seek clarification** (still need to give estimate of time)*; or,
- Deny** the request with an accompanying written statement of the specific reasons.

~ RCW 42.56.520

New! *ESHB 1594 (eff. July 23, 2017) – if request unclear, give estimate to greatest extent possible

respond

[69]

Seeking Clarification

- An agency can seek clarification of a request if it is **not reasonably clear**, or does not request **"identifiable records."**
- Remember: agency's rules are to give **"fullest assistance."**
- Agency should explain why it needs clarification, in order to provide fullest assistance to requester and to search for potentially responsive records.*
- If requester does not respond to request for clarification, the agency may close the request.*

~ RCW 42.56.520



*ESHB 1594 (eff. July 23, 2017)
Agency must respond to parts of request that are clear.



[70]

Estimate of Time for Further Resp



- An agency can provide an **estimate of time for further response** includes estimate to produce first installment.
- Estimate is to be **reasonable**.
- **Factors** may include, for example, time needed to:
 - Get clarification if necessary.
 - Search for records. More time may be needed if request is large or complex.
 - Assemble and review records.
 - Provide notice to affected third persons/agencies.
 - Prepare an exemption log if necessary.
 - Perform other essential agency functions.
- An agency can **extend** the time if needed.

~ RCW 42.56.520, RCW 42.56.520, RCW 42.56.080, RCW 42.56.550; Andrews v. Washington State Patrol; Hobbs v. State

[71]

Installments



- Agencies can provide records in **installments**, particularly for larger requests.
- Agencies can request a deposit up front for copies (not to exceed 10 percent).
- Agencies can provide an installment by providing links to records on its website.
 - Note: Agencies are encouraged to post commonly-requested records on their websites. This:
 - Makes records more accessible.
 - Enables quicker agency responses.
 - Enables requesters to choose to view or copy only those records they want.

~ RCW 42.56.080, RCW 42.56.120



[72]

Searches



- An agency must conduct an **adequate search** for responsive records.
- The search should be reasonably calculated to uncover responsive records.
- The search should follow obvious leads to possible locations where records are likely to be found.
- If responsive public records are on or in employees' personal devices, personal accounts, or personal files, those must be searched, too.
- The focal point of the judicial inquiry is the agency's search process, not the outcome of the search.
- The agency bears the burden of proof to show the adequacy of the search.

~ RCW 42.56.520; *Neighborhood Alliance of Spokane v. Spokane County*; *Hobbs v. State*; *Block v. City of Gold Bar*; *Nissen v. Pierce County*.

[73]

"Mechanics" of Searching/Producing Public Records Controlled by Employee

- The public **employee** must **obtain, segregate and produce** to the employer those public records that are responsive to a PRA request from the employee's **personal accounts, files, and devices**.
- Employee may be required to submit affidavit regarding his/her search.

~ *Nissen v. Pierce County*



[74]

Exemptions

professionally Redacted in Word Documents
 you've ever had to to purge corporate confidential or personal
 information, you know it's not fun. You either need to or getting fan
 nutting tools.
 e got a better solution: A
 ur documents a sort-of CS&S-like professional appearance.

- Records are presumed open.
- If a record, or part of a record, is withheld from the public, the agency must cite to an **"exemption"** in law and give a brief explanation.
- Exemptions are **narrowly construed**.
- The general rule is the agency withholds only the exempt information, and releases the rest.
- Exemptions must be authorized in law --- in PRA or other laws.

~ RCW 42.56.050, RCW 42.56.210 - .510, RCW 42.56.550

[75]

Exemptions (Cont.)



- When withholding part (redacting) or all of a record, agency must **describe record** by date, type, authors/recipients, and total number of pages.
- Agency must **list exemption and give brief explanation**.
- This information can be provided to the requester in an **"exemption log"** or in **other formats**, so long as the required information is provided.
- Common exemptions are certain information in student or employment records, attorney-client privileged information, pending investigative records in certain investigations, and protected health care information.
- The agency bears the burden of proof to justify the exemption.

~ RCW 42.56.050, RCW 42.56.210 - .510, RCW 42.56.550

[76]

Privacy

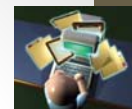
- **There is no general “privacy” exemption in the PRA.**
- If privacy is an express element of another exemption, privacy is invaded only if disclosure about the person would be:
 1. **“Highly offensive to the reasonable person” and**
 2. **“Not of legitimate concern to the public.”**
 ~ RCW 42.56.050

This means that if information does not satisfy both these factors, it cannot be withheld as “private” information under other statutes.



[77]

Electronic Records Production & Disclosure – The Basics for Agencies



- **Remember definition** of “public record” – includes **electronic records**: emails, texts, databases, social media records, electronic versions of printed documents, Excel spreadsheets, PowerPoint presentations, website records, videos, audio recordings, etc. Includes public records on/in personal devices/accounts.
- Note other **legislative statements**:
 - **RCW 43.105.351**: ... *It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public.*
 - **Chap. 69, Laws of 2010**: *The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency web sites. When an agency has made records available on its web site, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online.*

[78]

Electronic Records Production & Disclosure – The Basics (Cont.)

Remember there can be **changes/developments in law** (statutes, case law) including as they impact electronic public records. Examples:



- **ESHB 1594** (Chap. 303, Laws of 2017): Public records officers' required training on electronic records (retention, production & disclosure, updating & improving technology information services). **New!**
- **EHB 1595** (Chap. 304, Laws of 2017):
 - Fees for copies of electronic records. **New!**
 - Bot requests.
 - Translating a records into an electronic format (including scanning a paper record) is not creating a new record.
 - Local governments: consultation programs, competitive grant program.
- **O'Neill v. City of Shoreline; Nissen v. Pierce County; West v. Vermillion**
 - Producing public records on home computers, personal devices, personal accounts. See *Nissen* for reference to agency policies.

79

Electronic Records Production & Disclosure – Resources

- **Attorney General's Office.** www.atg.wa.gov. Examples:
 - Open Government Training Web Page (*upcoming slides*)
 - PRA Model Rules, WAC 44-14 (*to be updated*)
 - Consultation program (*local governments only*) (*To be developed*)
 - Other materials.
- **Municipal Research & Services Center:** www.mrsc.org. 

Examples:

 - "New PRA Legislation: To Boldly Go Where the PRA Hasn't Gone Before"
 - "Use of Electronic Devices During Council/Commission Meetings"
 - "Establishing Effective Social Media Policies for Your Agency"
 - "Text Messaging Policies"
 - "Public Records: Tackling The Tough Questions (Including Use of Smart Phones and Other Thorny Issues)"
 - Other materials.
- **Washington Secretary of State – State Archives.** www.sos.wa.gov/archives. Examples:
 - In-person trainings on electronic records management – retention.
 - Advice sheets & other publications:
 - "Blogs, Wikis, Facebook, Twitter & Managing Public Records"
 - "Capture and Retention of Text Messages"
 - "Digital Audio/Visual – Recommendations and Best Practices"
 - Other materials.



80

Electronic Records Production & Disclosure – Redaction Mechanics



- Electronic records **redaction**:
 - Various **software programs** permit standard redactions on many electronic records (Adobe Acrobat X Pro, Informative Graphics Redact-it, RapidRedact, and similar technologies).
 - Not all agencies have such software, or software that can electronically redact all electronic records.
 - For example, there may be “non-standard” redactions in some types of electronic records (videos, audios, photos, etc.) that require particular software.
 - In some circumstances, due to lack of software or other technical issues, it may be necessary to print out a copy of the electronic record and apply the redactions to the paper record.
 - An agency may need to work with its IT staff and legal counsel on such issues.

[81]

Electronic Records Production & Disclosure – Production Mechanics

- Electronic records can be **produced/delivered electronically** in many ways. Delivery practices may vary among agencies, depending upon agency resources, software, or other issues (e.g. limits on size of files that can be sent/received by email).
- Some examples:
 - Posting them on agency's web site and provide requester links to specific records.
 - Delivering copies on a CD, DVD, thumb drive/flash drive.
 - Delivering by email.
 - Delivering through an agency portal or cloud-based delivery (File Transfer Protocol - FTP).
 - Arranging for inspection at an agency's office, on an agency computer.



[82]

Electronic Records Production & Disclosure – Updating & Improving Technology Information Services

- Agencies can consider making their websites - **current technology** - more **robust**. Examples:
 - Posting more *commonly requested records*.
 - Posting information about how to *search* for online records.
 - Posting more information about how to *request* records (agency's PRA procedures, fee schedule, request form, contact information for Public Records Officer, etc.).
- Agencies can consider **new technology** purchases to assist them in retaining/producing records.
 - **Examples:** Portals; electronic redaction tools; texting/website capture and retention software; other software.
 - **Master state contracts:** Several vendors awarded statewide master contracts for retention - "Enterprise Content Management Systems." State, & local agencies can use. More information on State Archives website and Department of Enterprise Services website.
 - **ESHB 1594:** Local government grants (State Archives) *(to be developed)*.



[83]

Enforcement & Penalties



- PRA enforced by **courts** for claims listed in PRA.
- A court can impose **civil penalties**. No proof of "damages" required.
- A court is to consider **factors** in requiring an agency to pay a penalty.
- Plus, a court will award the prevailing requester's **attorneys fees and costs**.
- Special penalty provisions and court procedures apply to lawsuits involving inmate requests.

[84]

~ RCW 42.56.550, RCW 42.56.565; *Yousoufian v. Sims*

Penalty Factors

A court must consider these nonexclusive **factors** in deciding whether an agency should pay a penalty:

❑ **Mitigating factors (factors that can reduce a penalty):**

- A lack of clarity in the PRA request.
- The agency's prompt response or legitimate follow-up inquiry for clarification.
- The agency's good faith, honest, timely, & strict compliance with all PRA procedural requirements & exceptions.
- Proper training & supervision of the agency's personnel.
- The reasonableness of any explanation for noncompliance by the agency.
- The helpfulness of the agency to the requester.
- The existence of agency systems to track and retrieve public records.

~ *Yousoufian v. Sims*



[85]

❑ **Aggravating factors (factors that can increase a penalty):**

- A delayed response by the agency, especially in circumstances making time of the essence.
- Lack of strict compliance by the agency with all the PRA procedural requirements and exceptions.
- Lack of proper training & supervision of the agency's personnel.
- Unreasonableness of any explanation for noncompliance by the agency.
- Negligent, reckless, wanton, bad faith, or intentional noncompliance with the PRA by the agency.
- Agency dishonesty.
- The public importance of the issue to which the request is related, where the importance was foreseeable to the agency.
- Any actual personal economic loss to the requestor resulting from the agency's misconduct, where the loss was foreseeable to the agency.
- A penalty amount necessary to deter future misconduct by the agency considering the size of the agency and the facts of the case.
- The inadequacy of an agency's search for records.

~ *Yousoufian v. Sims; Neighborhood Alliance v. Spokane County*



[86]

Penalties Outside of PRA



Penalties in Other Laws:

There can be criminal liability for willful destruction or alteration of a public record.

~ RCW 40.16.010

For state employees, penalties can be assessed under the State Ethics Law if an employee intentionally conceals a record that must be disclosed under the PRA, unless decision to withhold was in good faith.

~ RCW 42.52.050

[87]

PRA Training

- "Open Government Trainings Act": RCW 42.56.150, RCW 42.56.152, RCW 42.30.205.*
- Public records officers; statewide and local government officials. They can take training sooner than July 1. Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.



- Training resources, videos, and more information about the Act (a "Q & A") are available on the Attorney General's Office Open Government Training Web Page:

<http://www.atg.wa.gov/open-government-training>

[88]

AGO PRA Assistance

- The **Washington State Attorney General's Office** has provided an explanatory pamphlet and other materials about the PRA on its website at www.atg.wa.gov.
- The AGO has also published PRA Model Rules. *(Will be updated)*.
- The Attorney General has also appointed an Assistant Attorney General for Open Government. The AGO can provide technical assistance and training. ESHB 1594 (eff. July 23, 2017): The AGO may provide records **consultation** services for local governments. *(Program to be developed)*.
- The AGO Government Training web page with training resources, videos, and other materials is at:
<http://www.atg.wa.gov/open-government-training>
- The AGO may also review a state agency denial of a record when the agency concludes the record is exempt.

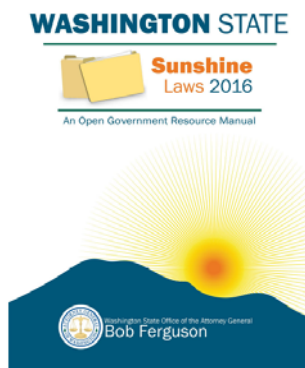


~ RCW 42.56.155, RCW 42.56.570,
RCW 42.56.530, RCW 42.30.210

[89]

AGO Open Government Resource Manual

— Available on AGO Website*



* <http://www.atg.wa.gov/open-government-resource-manual>

**Does not yet include statutory changes resulting from ESHB 1594 or EHB 1595 which will be effective July 23, 2017.

[90]

Risk Management Tips

- Establish a culture of compliance with the PRA, beginning with agency leadership and support.
- Train appropriate staff and officials about the PRA's requirements.
- Review agency's PRA procedures.
- Review available resources; institute best practices.
- Review penalty factors.
- Keep updated on current developments in PRA through legislative action or court decisions; correctly apply law.
- Consult with agency's legal counsel.



[91]

Thank you!



[92]

Finance Report

February 2018

Date	March 28, 2018
Name	Hilary Whittington
Title	Chief Administrative Officer / Chief Financial Officer

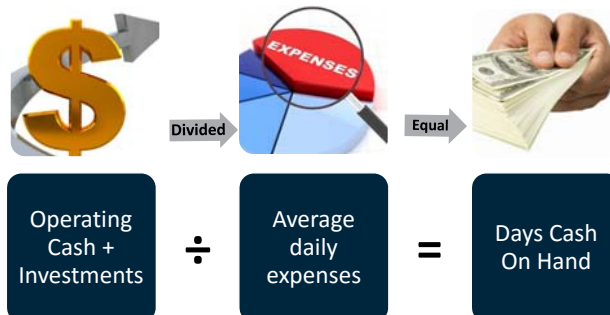
Jefferson
Healthcare

live here. thrive here.

February 2018

Education – Days Cash On Hand

Days cash on hand is the number of days that an organization can continue to pay its operating expenses, given the amount of cash on hand.



February 2018

Service Line Highlight – Express Clinic



- Open 10 hours daily
- Low cost, non-emergency medical care
- First come, first served



- New patients are seen about every 20 minutes
- Patient information is immediately available to their PCP
- Simple blood tests and x-rays are available



Dates	Days	Visits	Avg Visits/Day	Revenue
• 2/5-28	24	481	20.04	\$81,659.00
• 3/1-22	22	508	23.09	\$97,797.46

February 2018

Operating Statistics

STATISTIC DESCRIPTION	FEBRUARY ACTUAL	FEBRUARY BUDGET	% VARIANCE	YTD ACTUAL	YTD BUDGET	% VARIANCE
FTEs - TOTAL (AVG)	548.87	584.50	6%	541.48	584.50	7%
FTEs - PRODUCTIVE (AVG)	507.62	525.73	3%	491.00	525.73	7%
ADJUSTED PATIENT DAYS	1,739	1,961	-11%	4,109	4,133	-1%
ICU PATIENT DAYS (IP + OBSERVATION, MIDNIGHT CENSUS)	88	88	0%	190	185	3%
ACU PATIENT DAYS (IP + OBSERVATION, MIDNIGHT CENSUS)	346	327	6%	772	690	12%
SWING IP PATIENT DAYS (MIDNIGHT CENSUS)	14	15	-7%	22	31	-29%
PATIENT DAYS (ACU, ICU, SWING), INCLUDES OBSERVATION	448	430	4%	984	906	9%
BIRTHS	13	8	63%	19	18	6%
SPECIAL PROCEDURE CASES	59	92	-36%	130	195	-33%
LAB BILLABLE TESTS	17,107	17,271	-1%	36,185	36,392	-1%
BLOOD BANK UNITS MATCHED	47	50	-6%	108	106	2%
CARDIAC SERVICES (EKG, AMB, TREAD, ECG)	107	97	10%	212	204	4%
TOTAL DIAGNOSTIC IMAGING TESTS	2,413	2,750	-12%	5,053	5,794	-13%
MEDS DISPENSED	22,012	21,466	3%	48,803	45,231	8%
RESPIRATORY THERAPY PROCEDURES	3,156	3,404	-7%	7,404	7,173	3%
PULMONARY REHAB RVUs	194	151	28%	504	317	59%
PHYSICAL THERAPY RVUs	6,418	5,119	25%	14,746	10,787	37%
OCCUPATIONAL THERAPY RVUs	1,241	892	39%	2,677	1,880	42%
SPEECH THERAPY RVUs	186	230	-19%	421	486	-13%
ER CENSUS	920	1,022	-10%	2,040	2,154	-5%
TOTAL RURAL HEALTH CLINIC VISITS	4,803	5,763	-17%	10,365	12,145	-15%
CARDIOLOGY CLINIC VISITS	233	221	5%	511	466	10%
DERMATOLOGY CLINIC VISITS	234	391	-40%	607	824	-26%
GEN SURG PATIENT VISITS	303	213	42%	649	448	45%
INFUSION CENTER VISITS	498	545	-9%	1,048	1,148	-9%
ONCOLOGY VISITS	309	374	-17%	674	787	-14%
ORTHO PATIENT VISITS	501	646	-22%	1,038	1,361	-24%
SLEEP CLINIC VISITS	149	144	3%	362	304	19%
SURGERY CENTER ENDOSCOPIES	63	60	5%	139	127	9%
WOMENS CLINIC VISITS	195	230	-15%	444	485	-8%
WOUND CLINIC VISITS	241	294	-18%	498	620	-20%

February 2018 Income Statement Summary



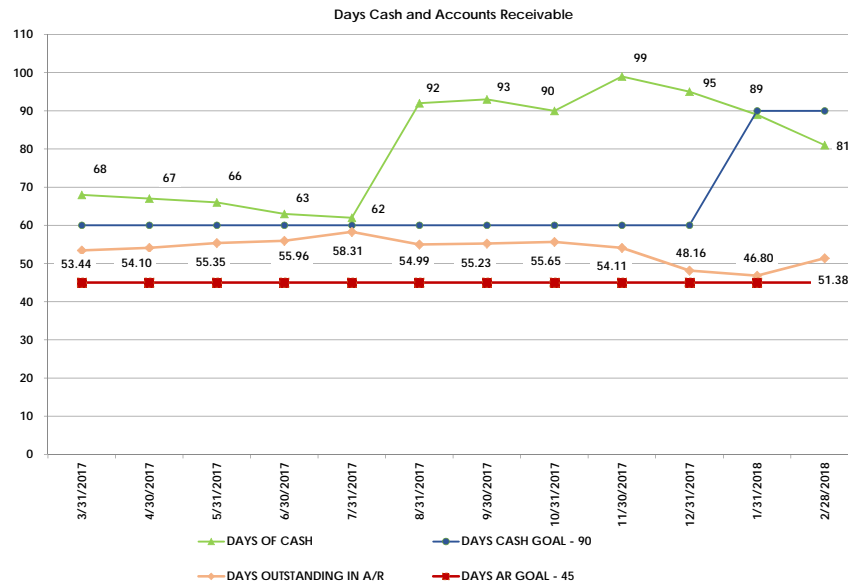
Operating Revenue

	February 2018 Actual	February 2018 Budget	Variance Favorable/ (Unfavorable)	%	February 2018 YTD	February 2018 Budget YTD	Variance Favorable/ (Unfavorable)	%	February 2017 YTD
Gross Patient Service Revenue	17,590,837	18,309,057	(718,220)	-4%	37,561,378	38,579,804	(1,018,426)	-3%	33,788,141
Revenue Adjustments	9,427,304	9,935,674	508,569	5%	20,050,395	20,936,308	885,913	4%	18,503,778
Charity Care Adjustments	246,801	112,885	(133,916)	-119%	442,430	237,865	(204,565)	-86%	119,322
Net Patient Service Revenue	7,916,732	8,260,298	(343,566)	-4%	17,068,553	17,405,630	(337,078)	-2%	15,165,041
Other Revenue	326,975	382,446	(55,471)	-15%	747,546	805,869	(58,323)	-7%	808,468
Total Operating Revenue	8,243,707	8,642,744	(399,037)	-5%	17,816,099	18,211,499	(395,400)	-2%	15,973,509

Operating Expenses

Salaries And Wages	4,167,962	4,338,147	170,184	4%	8,884,344	9,141,096	256,752	3%	7,668,263
Employee Benefits	1,020,491	1,092,837	72,347	7%	2,145,147	2,302,765	157,617	7%	2,006,171
Other Expenses	3,154,478	3,055,446	(99,032)	-3%	6,612,443	6,438,263	(174,180)	-3%	5,895,998
Total Operating Expenses	8,342,931	8,486,430	143,499	2%	17,641,934	17,882,123	240,189	1%	15,570,432
Operating Income (Loss)	(99,223)	156,314	(255,538)	-163%	174,165	329,376	(155,211)	-47%	403,077
Total Non Operating Revenues (Expenses)	(37,247)	(26,989)	(10,258)	-38%	(53,764)	(56,870)	3,106	5%	10,116
Change in Net Position (Loss)	(136,471)	129,325	(265,796)	-206%	120,401	272,506	(152,105)	-56%	413,193

February 2018 Cash and Accounts Receivable



February 2018

Board Financial Report

Dept.	Department Description	Rev/Exp Account	Account Description	February Actual	February Budget	February Variance	2018 to Date Actual	2018 to Date Budget	2018 to Date Variance
8612	BOARD	Exp	600010 MANAGEMENT & SUPERVISION WAGES	3,868.00	4,198.00	330.00	9,132.00	8,845.00	(287.00)
			602300 CONSULT MNGMT FEE	1,546.00	-	(1,546.00)	3,092.00	-	(3,092.00)
			602500 AUDIT FEES	-	3,068.00	3,068.00	4,838.00	6,466.00	1,628.00
			604200 CATERING	53.00	149.00	96.00	139.00	314.00	175.00
			604500 OFFICE SUPPLIES	-	22.00	22.00	-	47.00	47.00
			604800 MINOR EQUIPMENT	-	-	-	591.00	-	(591.00)
			604850 COMPUTER EQUIPMENT	-	74.00	74.00	-	157.00	157.00
			606500 OTHER PURCHASED SERVICES	-	767.00	767.00	-	1,616.00	1,616.00
			609400 TRAVEL/MEETINGS/TRAINING	900.00	1,534.00	634.00	1,128.00	3,233.00	2,105.00
		Exp Total		6,367.00	9,812.00	3,445.00	18,920.00	20,678.00	1,758.00
	BOARD Total			6,367.00	9,812.00	3,445.00	18,920.00	20,678.00	1,758.00

March 2018

Preview — (*as of 11:59pm 03/27/18)

- **\$19,748,400 in HB charges**
 - Average: \$622,650/day (HB only)
 - Budget: \$642,350/day
- **\$7,302,600 in HB cash collections**
 - Average: \$233,460/day (HB only)
 - Goal: \$289,057/day
- **53.2 Days in A/R**
- **Questions**

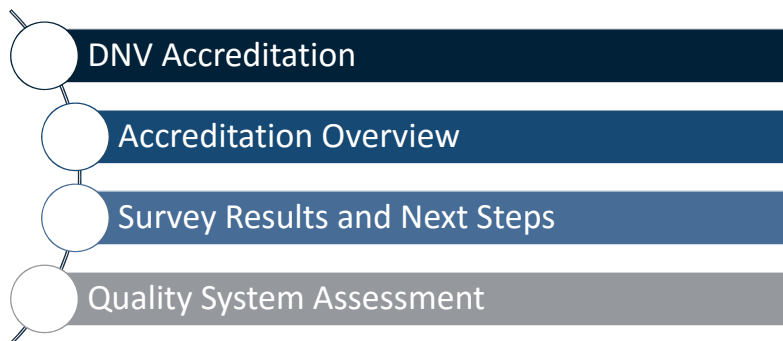
Patient Safety and Quality

March 28, 2018
Accreditation Report
Board of Commissioners

Jefferson
Healthcare

live here. thrive here.

Quality Education and Report



Happy Spring!

What we tend to think of...



What actually happens...



Overview of Accreditation & Survey Process

Definitions:

- DNV: Det Norske Veritas – organization with authority to 'deem' hospitals in compliance with CMS rules and regulations and focused on improvement and sustainability
- Unannounced Survey – the surveys are not scheduled with us in advance
- ISO: standards that focus on process management
- CAP: Corrective Action Plan
- NC – Nonconformity – 3 levels
 - OFI: Opportunity for Improvement
 - NC 1: Conditional Level
 - NC 1: Requires Root Cause, CAP, and data
 - NC 2: Validation of improvement at next survey

Survey Process

- Unannounced Survey
- Tracer Methodology
- NIAHO accreditation and ISO Periodic Audit
- Three Surveyors over two days
 - RN (Clinical Care)
 - Generalist (Quality)
 - Lead Surveyor (Life Safety)
- Focus on medical staff, HR, Quality, environment of care, pain assessment, sedation, nursing documentation

Commendations

- Quality Management System:
 - Executive Quality Council
 - Record keeping
 - Document review
 - Internal audit process
- Emergency Management Program
- Restraints: Provider ordering and nursing assessment and documentation
- ICU Nursing documentation: Records were “in really good shape”
- Cleanliness of the organization
- Strategic Plan



Survey Report

NC 1 Conditional Level

- No findings

NC 1

- Nursing Services: Assessment and Plan of Care
- Physical Environment: Life Safety Management

NC 2

- Medical Staff: Clinical Privileges
- Staffing Management: Staff Evaluations
- Medication Management: Management Practices
- Physical Environment:
 - Safety Management System
 - Hazardous Materials Management
 - Medical Equipment Management

NC 1 Report

There were two total Non Conformity Level 1 Findings:

- **Documentation:**
 - Role confusion: has been clarified; policy revised; staff education in process
 - Epic assessment tool difficult to use: tool wrenched in and staff education scheduled
- **Life Safety Systems**
 - ESSB: Issue identified and sent to contractor, who did not complete the repair
 - The repair has been scheduled
 - Contractors did not follow policy: payment to be held until internal inspection above ceiling
 - Exit Sign: Scheduled for PM later in the month – was corrected the same day

Evidence of compliance must be submitted to the DNV within 60 days of acceptance of the report.

Additionally, these will be re-evaluated at the next survey.

Requirement (Description)	Observations:
Nursing staff will reassess the patient at regular time defined intervals and if the patient's condition changes	ER: Procedural Sedation nursing documentation missing <i>Family Birthing Center:</i> Provider Epidural documentation
The CAH shall require that Life Safety systems (e.g., fire suppression, notification, and detection equipment) shall be tested and inspected (including portable systems).	ESSB: Fire sprinkler tamper switch located failed 1 st Floor: wire bundles over sprinkler lines Internal Medicine: Exit sign light had a burned out battery

NC 2 Report

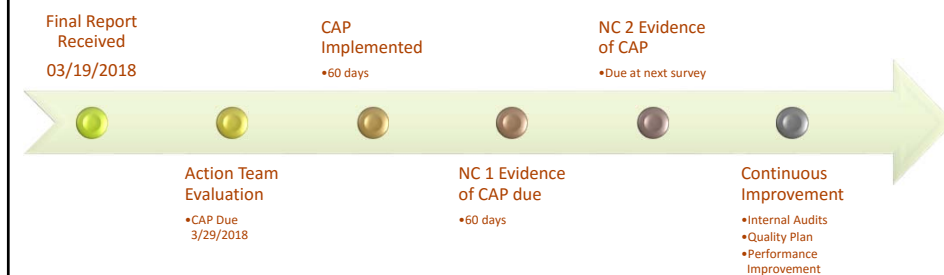
Requirement (Description)	Observations:
Medical Staff: ISO 9001:2015; 7.5.2 When creating and updating documented information, the organization shall ensure appropriate description, format, and review forms	Medical Staff: 2/4 forms reviewed had not been reviewed within three years Competency/Utilization data: described as 'adequate volume' in Medical Staff Bylaws (not descriptive enough)
Staffing: SR.1 The CAH will have a method for evaluating the performance/competency of all staff	Emergency Department: Files reviewed were missing evidence of competency evaluation.
Medication Management: The CAH shall have a pharmacy service with written policies and procedures to ensure effective medication management practices that meets the needs of the patients	ACU: Medications administered by nursing were not in full accordance with the orders or policy (documented pain scores not within the provider prescribed parameter)

NC 2 Physical Environment

Requirement (description)	Observations
Safety Management: SR.4 The CAH shall maintain an environment free of hazards and manages staff activities to reduce the risk of occupational related illnesses or injuries	Environmental Services(EVS) aide cart contained a cleaning chemical that requires the user to wear splash goggles. The EVS aide did not know she was supposed to wear splash goggles and did not have immediate access to splash goggles.
Hazardous Material Management: SR.7 All compressed gas cylinders in service and in storage shall be individually-secured and located to prevent mechanical shock from falling or being knocked over	Oncology Clinic: Oxygen "E" cylinder not secured Gas storage room: Oxygen cylinders secured by chains – not enough to meet the requirement
Medical Equipment Management: SR.1 The CAH shall establish processes for the acquisition, safe use, and appropriate selection of equipment	Policy did not define the process for addressing equipment that was out of 'tolerance' by calibration contractor.

Next Steps...

- **Root Cause Identification:** Teams work to identify the root causes for each NC
- **CAP:** Based on the root causes, a corrective action plan is developed with key stakeholders
- **Process Measures:** Establish how each NC will be audited and monitored



Quality System Assessment

- Annual evaluation of the quality management system's effectiveness
- Meeting with Commissioners and Medical Staff March 14, 2018
- The Plan:
 - Continue to work on strategic alignment between Risk Management and Patient Safety
 - Build a framework for supporting Performance Improvement organizationally
 - Focus on highest priorities
 - *Adopt a consensus agenda for routine quality reports*
 - *Develop a calendar with required inputs*
 - Provide meaningful reports for the Board of Commissioners
 - *Report a handful of meaningful measures*
 - *Deep dive into specific quality improvement projects*
 - *Develop a schedule for quality and safety topics*



Administrative Report

March 28, 2018

Mike Glenn, CEO

Jefferson Healthcare Dental Clinic Update

- Construction Grant



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

March 9, 2018

Sent Via Email Only To: mglenn@jeffersonhealthcare.org

Mike Glenn, CEO
Jefferson Healthcare
834 Sheridan Street
Port Townsend, WA 98368

Dear Mr. Glenn:

Congratulations! Governor Inslee recently signed the 2017–2019 State Capital Budget, which includes an appropriation of \$1,000,000 for the Jefferson Healthcare Dental Clinic (Port Townsend) Project under the Dental Clinic Capacity Grants Program. The Department of Commerce, which will administer the project, will retain three percent (up to a maximum of \$50,000) to cover our direct administrative costs. Accordingly, your net grant award will be \$970,000.

Jefferson Healthcare Dental Clinic Update

- Interviewed several architects and selected Coates Design Architects
 - Experience with public hospital districts
 - Experience with Jefferson Healthcare
 - Experience with dental clinics
 - Located on this side of the water!

**COATES DESIGN
ARCHITECTS**
Responsible Architecture.



Jefferson Healthcare Dental Clinic Update

- Completed space planning meeting with several stakeholders
- Held informational meeting with local dentists
- Submitted grant request to Arcora for funding to offset cost of dental equipment

designing a dental clinic to provide primary prevention and treatment



Legislative Summary

• Important New Laws

- **HB 2101- Sexual assault nurse examiners.** Directs a study to increase availability of and access to sexual assault nurse examiners statewide.
- **HB 2408- Individual market stability.** Seeks to ensure commercial individual market plans are sold statewide.
- **SB 6124- Video testimony for ITA hearings.** Allows video testimony to be used in involuntary treatment act hearings.
- **SB 6273- Charity Care.** Clarifies charity care law and increases standardization regarding notice to patients and staff training on charity care policies and interpreter services.
- **SB 6399- Pilot for telemedicine payment parity.** Directs the telemedicine collaborative to make recommendations by Dec. 1 on a pilot to test payment parity for the following services: Diabetes mellitus, stroke, mental health conditions, opioid dependence and chronic pain.

Legislative Summary

- Workforce development budget proviso
 - Funding to Peninsula College to increase allied health care staff
 - 8 additional RN's
 - 20-30 additional CNA's
 - 20-30 additional MA's

WSU College of Medicine

- WSU Med school has enrolled its first class of medical students
- Primary Care/ rural community focus
- Establishing partnerships and residency programs in rural communities throughout the state
- Jefferson Healthcare expressed interest in learning more about partnership opportunities.



Elson S. Floyd
College of Medicine
WASHINGTON STATE UNIVERSITY

Questions